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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92041805
Party	Defendant QUIKSILVER, INC.
Correspondence Address	ATTN: LEGAL DEPT. TRADEMARKS QUIKSILVER, INC. 15202 GRAHAM STREET HUNTINGTON BEACH, CA 92649-1109 UNITED STATES trademarks@quiksilver.com
Submission	Other Motions/Papers
Filer's Name	Mitch Milstein
Filer's e-mail	trademarks@quiksilver.com
Signature	/MnM/
Date	11/27/2007
Attachments	Cancellation No. 92041805 Kymsta Corp v. Quiksilver Registrant's Statement of Status 27-NOV-07.pdf (3 pages)(99320 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Kymsta Corp.,)	
)	
Petitioner,)	Cancellation No. 92041805
)	
v.)	
)	
Quiksilver Inc.,)	
)	
Registrant.)	
)	

REGISTRANT'S STATEMENT OF STATUS OF CIVIL ACTION
IN RESPONSE TO BOARD ORDER

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

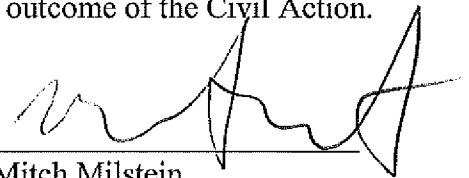
Dear Sir:

In response to the Board's Order of October 29, 2007, Registrant Quiksilver, Inc. ("Quiksilver"), states that the civil action between Quiksilver and Petitioner Kymsta Corp. ("Kymsta"), *Quiksilver Inc. v. Kymsta Corp.*, Case No. CV 02-5497 (the "Civil Action"), is ongoing and therefore the Board should continue the suspension of the Cancellation proceedings.

The Civil Action, is currently pending in the Central District of California before the Honorable Valerie Baker Fairbank. On February 19, 2004, the Honorable Dickran Tevrizian awarded judgment in Quiksilver's favor as a matter of law under Fed. R. Civ. P. Rule 50. On October 6, 2006, the Ninth Circuit reversed and remanded the action for trial. *See Quiksilver Inc. v. Kymsta Corp.*, 466 F.3d 749 (9th Cir. 2006). Trial is presently set to begin on February 5, 2008.

Because the Civil Action is still pending, it is appropriate for the Board to continue the suspension of the Cancellation proceeding . *See Tokaido v. Honda Assoc. Inc.*, 179 U.S.P.Q. 861 (T.T.A.B. 1973) (granting Motion to Suspend where outcome of civil suit may have a bearing upon issues in the Board proceedings); *Whopper-Burger, Inc. v. Burger King Corp.*, (T.T.A.B. 1971) (granting Motion to Suspend where outcome of civil suit may have a bearing upon issues in the Board proceedings); *Other Telephone Co. v. Conn. Nat'l Telephone Co.*, 181 U.S.P.Q. 125 (T.T.A.B. 1974) (granting Motion to Suspend as outcome of civil action will have a bearing on the issues involved in the opposition proceeding).

For the foregoing reasons, Quiksilver respectfully submits that the suspension of this Cancellation proceeding should remain in effect pending the outcome of the Civil Action.

A handwritten signature in black ink, appearing to read "Mitch Milstein", is written over a horizontal line.

Mitch Milstein
General Counsel Global IP
for Quiksilver, Inc.

PROOF OF SERVICE

I, Leah Roman, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 15202 Graham Street, Huntington Beach, California 92649. I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT'S STATEMENT OF STATUS OF CIVIL ACTION
IN RESPONSE TO BOARD ORDER**

has been served on:

William J. Robinson, Esq.
James D. Nguyen, Esq.
Scott E. Rahn, Esq.
FOLEY & LARDNER LLP
2029 Century Park East
Suite 3500
Los Angeles, CA 90067-3021

by mailing said copy on November 27, 2007, via First Class Mail, postage prepaid.

Executed on November 27, 2007, at Huntington Beach, California.



Leah Roman